

By Zaffirini

S B. No. 222

A BILL TO BE ENTITLED

AN ACT

relating to requiring or requesting a complainant to take a polygraph examination as a condition of charging a defendant accused of certain criminal offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 15, Code of Criminal Procedure, is amended by adding Article 15.051 to read as follows:

Art. 15.051. POLYGRAPH EXAMINATION OF COMPLAINANT PROHIBITED. A peace officer or attorney representing the state may not require a polygraph examination of, or request the taking of a polygraph examination by, a person who charges or seeks to charge in a complaint the commission of an offense under Section 21.11, 22.011, 22.021, or 25.02, Penal Code.

SECTION 2. This Act takes effect September 1, 1995.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

BILL ANALYSIS

Senate Research Center

S.B. 222
By: Zaffirini
Criminal Justice
3-10-95
As Filed

BACKGROUND

Currently, Texas law permits law enforcement officers and/or prosecutors to require a polygraph examination of a person who charges or seeks to charge in a complaint the commission of a sexual offense.

PURPOSE

As proposed, S.B. 222 prohibits a peace officer or prosecutor from requiring a victim of certain offenses to take a polygraph examination prior to or after charging a defendant with the offense.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 15, Code of Criminal Procedure, by adding Article 15.051, as follows:

Art. 15.051. POLYGRAPH EXAMINATION OF COMPLAINT PROHIBITED. Prohibits a peace officer or attorney representing the state from requiring or requesting the taking of a polygraph examination from a person who charges or seeks to charge in a complaint the commission of an offense under Sections 21.11, 21.011, 22.021, or 25.02, Penal Code.

SECTION 2. Effective date: September 1, 1995.

SECTION 3. Emergency clause.

1 By: Zaffirini S.B. No. 222
2 (In the Senate - Filed January 16, 1995; January 18, 1995,
3 read first time and referred to Committee on Criminal Justice;
4 March 15, 1995, reported adversely, with favorable Committee
5 Substitute by the following vote: Yeas 7, Nays 0; March 15, 1995,
6 sent to printer.)

7 COMMITTEE SUBSTITUTE FOR S.B. No. 222

By: Moncrief

8 A BILL TO BE ENTITLED
9 AN ACT

10 relating to a prohibition of the requirement of a polygraph
11 examination of a complainant as a condition of charging a defendant
12 accused of certain criminal offenses.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

14 SECTION 1. Chapter 15, Code of Criminal Procedure, is
15 amended by adding Article 15.051 to read as follows:

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17 PROHIBITED. (a) A peace officer may not require a polygraph
18 examination of a person who charges or seeks to charge in a
19 complaint the commission of an offense under Section 21.11, 22.011,
20 22.021, or 25.02, Penal Code.

21 (b) If an attorney representing the state requests a
22 polygraph examination of a person who charges or seeks to charge in
23 a complaint the commission of an offense listed in Subsection (a),
24 the attorney must inform the complainant that the examination is
25 not required and that a complaint may not be dismissed solely:

26 (1) because a complainant did not take a polygraph
27 examination; or

28 (2) on the basis of the results of a polygraph
29 examination taken by the complainant.

30 (c) An attorney representing the state may not take a
31 polygraph examination of a person who charges or seeks to charge
32 the commission of an offense listed in Subsection (a) unless the
33 attorney provides the information in Subsection (b) to the person
34 and the person signs a statement indicating the person understands
35 the information.

36 (d) A complaint may not be dismissed solely:

37 (1) because a complainant did not take a polygraph
38 examination; or

39 (2) on the basis of the results of a polygraph
40 examination taken by the complainant.

41 SECTION 2. This Act takes effect September 1, 1995.

42 SECTION 3. The importance of this legislation and the
43 crowded condition of the calendars in both houses create an
44 emergency and an imperative public necessity that the
45 constitutional rule requiring bills to be read on three several
46 days in each house be suspended, and this rule is hereby suspended.

47 * * * * *

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR ZZZ
By Zaffrini
(Author/Senate Sponsor)
3/15/95
(date)

We, your Committee on CRIMINAL JUSTICE, to which was referred the attached measure,
have on 3/14/95, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
☐ the caption remained the same as original measure
☒ the caption changed with adoption of the substitute
☐ do pass as substituted, and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no
A revised fiscal note was requested. ☒ yes ☐ no
An actuarial analysis was requested. ☐ yes ☒ no
Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Whitmire, Chairman	/			
Shapiro, Vice-Chairman	/			
Brown	/			
Moncrief	/			
Stine Harris	/			
Turner	/			
West	/			
TOTAL VOTES	7	0	0	0

COMMITTEE ACTION

- ☒ S260 Considered in public hearing
☒ S270 Testimony taken

Diana Lally
COMMITTEE CLERK

John Whit
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Retain one copy of this form for Committee files

BILL ANALYSIS

Senate Research Center

C.S.S.B. 222
By: Zaffirini
Criminal Justice
3-15-95

Committee Report (Substituted)

BACKGROUND

Currently, Texas law permits law enforcement officers and/or prosecutors to require a polygraph examination of a person who charges or seeks to charge in a complaint the commission of a sexual offense.

PURPOSE

As proposed, C.S.S.B. 222 prohibits a peace officer or prosecutor from requiring a victim of certain offenses to take a polygraph examination prior to or after charging a defendant with the offense.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 15, Code of Criminal Procedure, by adding Article 15.051, as follows:

Art. 15.051. POLYGRAPH EXAMINATION OF COMPLAINT PROHIBITED. (a) Prohibits a peace officer or attorney representing the state from requiring or requesting the taking of a polygraph examination (examination) from a person who charges or seeks to charge in a complaint the commission of an offense under Sections 21.11, 21.011, 22.021, or 25.02, Penal Code.

(b) Requires an attorney to inform the complainant that an examination is not required and that a complaint may not be dismissed solely because a complainant did not take an examination or on the basis of the results of the examination if the attorney representing the state requests an examination of a person who charges or seeks to charge in a complaint the commission of an offense listed in Subchapter (a).

(c) Prohibits an attorney representing the state from taking an examination of a person who charges or seeks to charge the commission of an offense listed in Subsection (a) unless the attorney provides the information in Subsection (b) to the person and the person signs a statement indicating the person understands the information.

(d) Prohibits a complaint for being dismissed solely because a complainant did not take an examination or on the basis of the results of the examination.

SECTION 2. Effective date: September 1, 1995.

SECTION 3. Emergency clause.

BILL ANALYSIS

Senate Research Center

C.S.S.B. 222
By: Zaffirini
Criminal Justice
3-20-95

Committee Report (Substituted)

BACKGROUND

Currently, Texas law permits law enforcement officers and/or prosecutors to require a polygraph examination of a person who charges or seeks to charge in a complaint the commission of a sexual offense.

PURPOSE

As proposed, C.S.S.B. 222 prohibits a peace officer from requiring a victim of certain offenses to take a polygraph examination prior to or after charging a defendant with the offense.

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(b) Requires an attorney to inform the complainant that an examination is not required and that a complaint may not be dismissed solely because a complainant did not take an examination or on the basis of the results of the examination if the attorney representing the state requests an examination of a person who charges or seeks to charge in a complaint the commission of an offense listed in Subchapter (a).

(c) Prohibits an attorney representing the state from taking an examination of a person who charges or seeks to charge the commission of an offense listed in Subsection (a) unless the attorney provides the information in Subsection (b) to the person and the person signs a statement indicating the person understands the information.

(d) Prohibits a complaint for being dismissed solely because a complainant did not take an examination or on the basis of the results of the examination.

SECTION 2. Effective date: September 1, 1995.

SECTION 3. Emergency clause.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

January 25, 1995

TO: Honorable Senator John Whitmire, Chair
Committee on Criminal Justice
Senate
Austin, Texas

IN RE: Senate Bill No. 222
By: Zaffirini

FROM: John Keel, Director

In response to your request for a Fiscal Note on Senate Bill No. 222 (Relating to requiring or requesting a complainant to take a polygraph examination as a condition of charging a defendant accused of certain criminal offenses.) this office has determined the following:

No fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

Source: LBB Staff: JK, RR

MSG FROM: S7590A6 --TXLCNJE TO: S0400F4 --TXLCNJE

03/14/95 15:50:38

NOTE

Subject: SB 222_ (BILL NO.) WITNESS - CRIMINAL JUSTICE
Revised: _ WITNESS FORM
74th Legislature

COMMITTEE: Criminal Justice
BILL: SB 222 _

DATE: 03 14 95

	FOR	AGAINST	ON
Name: Anonymous_____			
Representing: self_____			
City: _____	x	-	-
Name: Anonymous_____			
Representing: self_____			
City: _____	x	-	-
Name: Lacey Sloan_____			
Representing: TAASA_____			
City: Austin_____	x	-	-
Name: Sandra Canfield_____			
Representing: Houston Area Women's Center_____			
City: Houston_____	x	-	-
Name: Grant Hartline_____			
Representing: TAASA_____			
City: Austin_____	x	-	-
Name: Michael C. Gougler_____			
Representing: DPS_____			
City: Austin_____	-	-	x
Name: Bill Gaines_____			
Representing: Self_____			
City: Montgomery_____	x	-	-
Name: Jim Fawcett_____			
Representing: TX Police Chiefs Association_____			
City: Farmers Branch_____	x	-	-
Name: _____			
Representing: _____			
City: _____	-	-	-
Name: _____			
Representing: _____			
City: _____	-	-	-
Name: _____			
Representing: _____			
City: _____	-	-	-

PART _ OF _

<<<<===== E N D O F F O R M =====>>>>

cd
15
66c

By: Zaffirini

S.B. No. 222

Substitute the following for S.B. No. 222:

By: John D. [Signature]
(Moncrief)

C.S. S.B. No. 222

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition of the requirement of a polygraph examination of a complainant as a condition of charging a defendant accused of certain criminal offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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(b) If an attorney representing the state requests a polygraph examination of a person who charges or seeks to charge in a complaint the commission of an offense listed in Subsection (a), the attorney must inform the complainant that the examination is not required and that a complaint may not be dismissed solely:

(1) because a complainant did not take a polygraph examination; or

(2) on the basis of the results of a polygraph examination taken by the complainant.

(c) An attorney representing the state may not take a polygraph examination of a person who charges or seeks to charge the commission of an offense listed in Subsection (a) unless the

3-15-95
3-21-95
4-10-95

1 attorney provides the information in Subsection (b) to the person
2 and the person signs a statement indicating the person understands
3 the information.

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6 examination; or

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8 examination taken by the complainant.

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10 SECTION 3. The importance of this legislation and the
11 crowded condition of the calendars in both houses create an
12 emergency and an imperative public necessity that the
13 constitutional rule requiring bills to be read on three several
14 days in each house be suspended, and this rule is hereby suspended.

March 24 1995 Engrossed

Datsey Spaw
Engrossing Clerk

95 MAR 28 AM 9:22

HOUSE OF REPRESENTATIVES

I certify that this document is a true
and correct copy of the engrossed Senate
measure as it was received from the Senate
and referred to the Committee on

Criminal Jurisprudence
Cynthia Subardt

Chief Clerk of the House

By: Zaffirini
(Danburg, Farrar)

S.B. No. 222

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

March 19, 1995

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate
Austin, Texas

IN RE: Committee Substitute for
Senate Bill No. 222

FROM: John Keel, Director

In response to your request for a Fiscal Note on Senate Bill No. 222 (relating to a prohibition of the requirement of a polygraph examination of a complainant as a condition of charging a defendant accused of certain criminal offenses) this office has determined the following:

No fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

Source: LBB Staff: JK, RR

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

**FISCAL NOTE
74th Regular Session**

January 25, 1995

**TO: Honorable Senator John Whitmire, Chair
Committee on Criminal Justice
Senate
Austin, Texas**

**IN RE: Senate Bill No. 222
By: Zaffirini**

FROM: John Keel, Director

In response to your request for a Fiscal Note on Senate Bill No. 222 (Relating to requiring or requesting a complainant to take a polygraph examination as a condition of charging a defendant accused of certain criminal offenses.) this office has determined the following:

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LEGISLATIVE BUDGET BOARD
CRIMINAL JUSTICE POLICY IMPACT STATEMENT

March 16, 1995

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate
Austin, Texas

IN RE: Committee Substitute for
Senate Bill No. 222

FROM: John Keel, Director

In response to your request for a Criminal Justice Policy Impact Statement on SB222 (Relating to a prohibition of the requirement of a polygraph examination of a complainant as a condition of charging a defendant accused of certain criminal offenses.) this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

HOUSE COMMITTEE REPORT

1st Printing

By: Zaffirini
(Danburg, Farrar)

S.B. No. 222

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9 examination of a person who charges or seeks to charge in a
10 complaint the commission of an offense under Section 21.11, 22.011,
11 22.021, or 25.02, Penal Code.

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13 polygraph examination of a person who charges or seeks to charge in
14 a complaint the commission of an offense listed in Subsection (a),
15 the attorney must inform the complainant that the examination is
16 not required and that a complaint may not be dismissed solely:

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18 examination; or

19 (2) on the basis of the results of a polygraph
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22 polygraph examination of a person who charges or seeks to charge
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COMMITTEE REPORT

The Honorable Pete Laney
Speaker of the House of Representatives

03-28-95
(date)

Sir:

We, your COMMITTEE ON CRIMINAL JURISPRUDENCE

to whom was referred SB 222 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.
☐ do pass, with amendment(s).
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

- ☐ yes ☒ no A fiscal note was requested.
☐ yes ☒ no A criminal justice policy impact statement was requested.
☐ yes ☒ no An equalized educational funding impact statement was requested.
☐ yes ☒ no An actuarial analysis was requested.
☐ yes ☒ no A water development policy impact statement was requested.

☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor DANBURG

Joint Sponsors FARRAR, _____, _____, _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Place, Ch.	X			
Talton, V.C.	X			
Farrar	X			
Greenberg	X			
Hudson				X
Nixon	X			
Pickett	X			
Pitts	X			
Solis	X			

Total

8 aye
0 nay
0 present, not voting
1 absent

W. J. Laney
CHAIRMAN

BILL ANALYSIS

Criminal Jurisprudence Committee
S.B. 222
By: Zaffirini (Danburg)
3-28-95
Committee Report (Unamended)

BACKGROUND

Currently, Chapter 15, Code of Criminal Procedure, does not regulate the use of polygraph examinations on victims charging defendants with certain sexual offenses. The instrument cannot detect deception by itself; rather, the results of the test depend heavily on the interaction between the examiner and the person undergoing the test. The examiner must infer deception or truthfulness by the subject's physiological responses to various questions. Correct guilty detections range from 17 to 100 percent. For greater accuracy, the voluntary cooperation of the individual is recommended.

PURPOSE

If enacted, S.B. 222 would prohibit peace officers from requiring submission to a polygraph examination for persons charging certain sexual assault offenses. In addition, SB 222 would require attorneys representing the state and requesting submission to polygraph exams to provide certain information to the complainant regarding the voluntary nature of submission to a polygraph exam.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 15, Code of Criminal Procedure (ARREST UNDER WARRANT), by adding Article 15.051, as follows:

Art. 15.051. POLYGRAPH EXAMINATION OF COMPLAINANT PROHIBITED.

(a) Prohibits a peace officer from requiring a polygraph examination of a person who charges or seeks to charge in a complaint certain offenses, including indecency with a child, sexual assault, aggravated sexual assault, and prohibited sexual conduct (Sections 21.11, 22.011, 22.021, and 25.02, Penal Code).

(b) Requires an attorney representing the state, if requesting a polygraph exam of a person who charges or seeks to charge in a complaint the commission of an offense listed in Subsection (a), to inform the complainant that the exam is not required and that a complaint may not be dismissed solely:

(1) because the complainant did not take the polygraph exam; or

(2) on the basis of the results of a polygraph exam taken by the complainant.

(c) Prohibits an attorney representing the state to take a polygraph exam of a person charging an offense listed in Subsection (a) unless the attorney provides the information in Subsection (b) to the person and the person signs a statement indicating an understanding of the information.

(d) Prohibits a complaint from being dismissed solely:

(1) because a complainant did not take a polygraph exam; or

(2) on the basis of the results of a polygraph exam taken by the complainant.

SECTION 2. Effective date: September 1, 1995.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE ACTION

SB 222 was considered by the committee in a formal meeting on March 28, 1995. SB 222 was reported favorably, without amendment, with the recommendation that it do pass and be printed, by a record vote of 8 ayes, 0 nays, 0 pnv, and 1 absent.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

March 19, 1995

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate
Austin, Texas

IN RE: Committee Substitute for
Senate Bill No. 222

FROM: John Keel, Director

In response to your request for a Fiscal Note on Senate Bill No. 222 (relating to a prohibition of the requirement of a polygraph examination of a complainant as a condition of charging a defendant accused of certain criminal offenses) this office has determined the following:

No fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

Source: LBB Staff: JK, RR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

January 25, 1995

TO: Honorable Senator John Whitmire, Chair
Committee on Criminal Justice
Senate
Austin, Texas

IN RE: Senate Bill No. 222
By: Zaffirini

FROM: John Keel, Director

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LEGISLATIVE BUDGET BOARD
CRIMINAL JUSTICE POLICY IMPACT STATEMENT

March 16, 1995

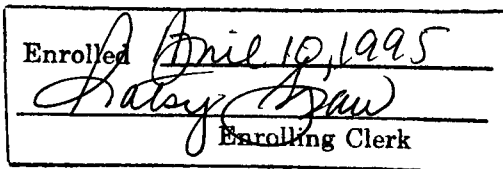
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Committee on Criminal Justice
Senate
Austin, Texas

IN RE: Committee Substitute for
Senate Bill No. 222

FROM: John Keel, Director

In response to your request for a Criminal Justice Policy Impact Statement on SB222 (Relating to a prohibition of the requirement of a polygraph examination of a complainant as a condition of charging a defendant accused of certain criminal offenses.) this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.



S.B. No. 222

AN ACT

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13 constitutional rule requiring bills to be read on three several
14 days in each house be suspended, and this rule is hereby suspended.

Alec
L. P. G.

Speaker of the House

Secretary of the Senate

I hereby certify that S.B. No. 222 passed the House on April 6, 1995, by a non-record vote.

I hereby certify that S.B. No. 222 passed the House on April 6, 1995, by a non-record vote.

Approved:

Date _____

Governor

President of the Senate Speaker of the House

I hereby certify that S.B. No. 222 passed the Senate on
March 21, 1995, by ^{a viva-voce} ~~the following~~ vote, Yeas , Nays 8.

Secretary of the Senate

I hereby certify that S.B. No. 222 passed the House on
April 6, 1995, by ^{a non-record} ~~the following~~ vote, Yeas , Nays 8.

Chief Clerk of the House

Approved:

Date

Governor

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

**FISCAL NOTE
74th Regular Session**

March 19, 1995

**TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate
Austin, Texas**

**IN RE: Committee Substitute for
Senate Bill No. 222**

FROM: John Keel, Director

In response to your request for a Fiscal Note on Senate Bill No. 222 (relating to a prohibition of the requirement of a polygraph examination of a complainant as a condition of charging a defendant accused of certain criminal offenses) this office has determined the following:

No fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

Source: LBB Staff: JK, RR

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

**FISCAL NOTE
74th Regular Session**

January 25, 1995

**TO: Honorable Senator John Whitmire, Chair
Committee on Criminal Justice
Senate
Austin, Texas**

**IN RE: Senate Bill No. 222
By: Zaffirini**

FROM: John Keel, Director

In response to your request for a Fiscal Note on Senate Bill No. 222 (Relating to requiring or requesting a complainant to take a polygraph examination as a condition of charging a defendant accused of certain criminal offenses.) this office has determined the following:

No fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

Source: LBB Staff: JK, RR

LEGISLATIVE BUDGET BOARD
CRIMINAL JUSTICE POLICY IMPACT STATEMENT

March 16, 1995

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate
Austin, Texas

IN RE: Committee Substitute for
Senate Bill No. 222

FROM: John Keel, Director

In response to your request for a Criminal Justice Policy Impact Statement on SB222 (Relating to a prohibition of the requirement of a polygraph examination of a complainant as a condition of charging a defendant accused of certain criminal offenses.) this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

BILL ANALYSIS

Senate Research Center

S.B. 222
By: Zaffirini
Criminal Justice
6-5-95
Enrolled

BACKGROUND

Currently, Texas law permits law enforcement officers and/or prosecutors to require a polygraph examination of a person who charges or seeks to charge in a complaint the commission of a sexual offense.

PURPOSE

As enrolled, S.B. 222 prohibits a peace officer from requiring a victim of certain offenses to take a polygraph examination prior to or after charging a defendant with the offense.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 15, Code of Criminal Procedure, by adding Article 15.051, as follows:

Art. 15.051. POLYGRAPH EXAMINATION OF COMPLAINT PROHIBITED. (a) Prohibits a peace officer from requiring the taking of a polygraph examination (examination) from a person who charges or seeks to charge in a complaint the commission of an offense under Sections 21.11, 21.011, 22.021, or 25.02, Penal Code.

(b) Requires an attorney to inform the complainant that an examination is not required and that a complaint may not be dismissed solely because a complainant did not take an examination or on the basis of the results of the examination if the attorney representing the state requests an examination of a person who charges or seeks to charge in a complaint the commission of an offense listed in Subchapter (a).

(c) Prohibits an attorney representing the state from taking an examination of a person who charges or seeks to charge the commission of an offense listed in Subsection (a) unless the attorney provides the information in Subsection (b) to the person and the person signs a statement indicating the person understands the information.

(d) Prohibits a complaint for being dismissed solely because a complainant did not take an examination or on the basis of the results of the examination.

SECTION 2. Effective date: September 1, 1995.

SECTION 3. Emergency clause.

BILL ANALYSIS

Senate Research Center

S.B. 222
By: Zaffirini
Criminal Justice
6-12-95
Enrolled

BACKGROUND

Currently, Texas law permits law enforcement officers and/or prosecutors to require a polygraph examination of a person who charges or seeks to charge in a complaint the commission of a sexual offense.

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(b) Requires an attorney to inform the complainant that an examination is not required and that a complaint may not be dismissed solely because a complainant did not take an examination or on the basis of the results of the examination if the attorney representing the state requests an examination of a person who charges or seeks to charge in a complaint the commission of an offense listed in Subchapter (a).

(c) Prohibits an attorney representing the state from taking an examination of a person who charges or seeks to charge the commission of an offense listed in Subsection (a) unless the attorney provides the information in Subsection (b) to the person and the person signs a statement indicating the person understands the information.

(d) Prohibits a complaint for being dismissed solely because a complainant did not take an examination or on the basis of the results of the examination.

SECTION 2. Effective date: September 1, 1995.

SECTION 3. Emergency clause.

A BILL TO BE ENTITLED

AN ACT:

relating to requiring or requesting a complainant to take a polygraph examination as a condition of charging a defendant accused of certain criminal offenses.

JAN 16 1995 Filed with the Secretary of the Senate

JAN 18 1995 Read and referred to Committee on CRIMINAL JUSTICE

3-15-95 Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

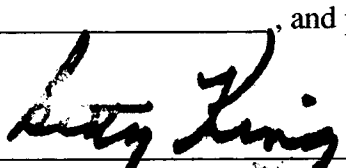
Laid before the Senate

MAR 21 1995 Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ yeas, _____ nays

MAR 21 1995 Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
_____ yeas, _____ nays

MAR 21 1995 Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 0 nays.

MAR 21 1995 Read third time, _____, and passed by: { A viva voce vote
_____ yeas, _____ nays

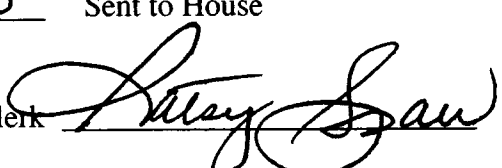


SECRETARY OF THE SENATE

OTHER ACTION:

MAR 21 1995 Engrossed

3-22-95 Sent to House

Engrossing Clerk 

MAR 22 1995 Received from the Senate

MAR 27 1995 Read first time and referred to Committee on CRIMINAL JURISPRUDENCE

3-28-95 Reported _____ favorably (~~as amended~~) (~~as substituted~~)

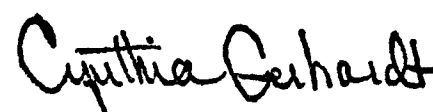
APR 03 1995 Sent to Committee on (Calendars) (~~Local & Consent Calendars~~)

APR 5 1995 Read second time (~~comm. subst.~~) (~~amended~~); passed to third reading (~~failed~~) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ ~~present, not voting~~)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting.

APR 6 1995 Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ ~~present, not voting~~)

APR 10 1995 Returned to Senate.



CHIEF CLERK OF THE HOUSE

APR 10 1995 Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

CONFERENCE REPORT